



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,212	02/11/2000	David Anthony Gawler	4747	4884

7590 07/18/2002

Shoemaker and Mattare LTD
2001 Jefferson Davis Highway
Crystal Plaza Building 1 Suite 1203
Arlington, VA 22202

EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,212

Applicant(s)

GAWLER, DAVID ANTHONY

Examiner

Naresh Vig

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herring US Patent 6,064,992 hereinafter known as Herring1 in view of Office Depot web site "www.officedepot.com" hereinafter known as OfficeDepot in further view of Lee European Patent EP 0-862-144 and Herring European Patent EP 0-806-746 hereinafter known as Herring2.

Regarding Claims 1 – 13, Herring1 discloses a postage meter which includes a memory including an ascending credit register to store an accumulated value of credit and an ascending tote register to store an accumulated tote value of postage charge dispensed by the postage meter in franking mail items. Accounting means of the postage meter determines whether the sum of a required postage value to be applied to a mail item and the accumulated tote value is equal to or less than the accumulated total value of credit stored in the ascending credit register, and, if the sum of the required postage value and the accumulated tote value is equal to or less than the

Art Unit: 3629

accumulated credit value, operates printing means to print a franking impression on the mail item and increments the accumulated tote value stored in the tote register by an amount equal to the required postage value (see abstract).

Herring1 postage meter includes printing means for printing franking impressions on mail items; means to carry out accounting and control functions in respect of franking operations in which franking impressions are printed on the mail items; a first ascending register to store an accumulated value of credit; a second ascending register to store an accumulated value of postage charge dispensed by the postage meter in franking mail items; said accounting means being operative in a franking operation of the postage meter to determine if the sum of a required postage value to be applied to a mail item and the accumulated value stored in said second register is equal to or less than the accumulated total value of credit stored in said first register and in response to determination of the sum of the required postage value to be applied to a mail item and the accumulated value stored in said second register being equal to or less than the accumulated total value of credit stored in said first register operating the printing means to print a franking impression on the mail item and to increment the accumulated value stored in said second register by an amount equal to said required postage value (col. 1, lines 23 – 44).

Method of operating a postage meter comprises the steps of storing an accumulated total value of credit entered into the postage meter; storing an accumulated total value of postage charges dispensed by the postage meter; determining if the sum of a required postage value to be applied to a mail item and the

accumulated value of postage charge dispensed by the postage meter is equal to or less than the accumulated total value of credit and in response to determination that the sum of the required postage value to be applied to a mail item and the accumulated value of dispensed postage charges is equal to or less than the accumulated total value of credit the steps of operating printing means to print a franking impression on the mail item and incrementing the accumulated value of dispensed postage charges by an amount equal to said required postage value (col. 1, lines 45 – 60).

Herring1 does not disclose storing pending (has not been completed) value. OfficeDepot discloses a system and method which allows to customers to gather the product they want to purchase, and keeps track of number of items selected and their cost (Shopping Cart). In addition, OfficeDepot maintains customer's selection information in their system and make available the selection to the customer when they return to OfficeDepot. It is notoriously known that during the selection, customers can add additional selections to their shopping card prior to finalizing the purchase. When the customer adds an item to the shopping cart, OfficeDepot displays the updated subtotal and number of items in the cart. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to include a pending value in Herring1 to enable the operation of postage meter when there is insufficient credit, and pay the pending balance prior to mailing.

Herring1 discloses that in so-called prepayment operation of a postage meter the ascending credit register of the meter is set with an accumulated total value of credit which has been entered into the postage meter. Another ascending register, referred to

Art Unit: 3629

as the tote register, stores an accumulated total value of postage used in franking mail items. Herring1 does not disclose aggregate value consist of completed batches only, however, Herring 2 discloses that "each time a franking operation is to be performed to frank a mail item with a required postage charge, the micro-processor carries out a routine in which a determination is made as to whether the sum of the required postage charge and the accumulated total value of postage charges is equal to or less than the accumulated total value of credit in the ascending credit register. If the sum of the required postage charge and the accumulated total value of postage charges is determined to be equal to or less than the accumulated total value of credit in the ascending credit register, the amount of credit available is sufficient to cover the cost of the required postage charge intended to be applied in respect of the mail item and the franking operation is continued. The accumulated total value of postage charges stored in the tote register is incremented by the amount of the required postage charge and the incremented value of postage charges is written to the tote register". OfficeDepot discloses that customer has to purchases all the items in the shopping cart at the time of checkout, and, allows the customer to modify the items in the shopping cart prior to proceeding to checkout, and, upon checkout OfficeDepot and receives the delivery and payment information for the total order from the customer. In addition, OfficeDepot keeps track of customer's order history. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to store the aggregate values of complete batches of mail to minimize the journal entries (for each piece of mail) in the accounting system.

Herring1 does not disclose receiving message from a handling authority for completed batch of mail. It is notoriously known that in an online transaction (EDI, electronic shopping, electronic payment etc.), messages (confirmation of items customer is ordering, total cost of items, payment information etc.) are exchanged (sent and acknowledged) between the involved parties to conclude the transaction. Also, it is notoriously known that when the customer makes the purchase, the shopping basket is made empty (decrementing the selected items from the shopping cart), and after the completion of the purchase, vendor informs the customer about the successful completion of the transaction. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to have completion message to inform the customer that the transaction has been successful, and, also decrement the shopping cart (pending value) with transaction to avoid making duplicating purchases or paying for the same item twice.

In addition, Herring1 does not disclose to determine payment due. However, Herring1 discloses that "the microprocessor determines that the sum of the required postage charge and the accumulated total value of postage charges". Lee discloses a postage meter which includes memory, an ascending credit register to store an accumulated value of credit and an ascending tote register to store an accumulated tote value of postage charge dispensed by the postage meter in franking mail items. Accounting means of the postage meter determines whether the sum of a required postage value to be applied to a mail item and the accumulated tote value is equal to or less than the accumulated total value of credit stored in the ascending credit register

and, if the sum of the required postage value and the accumulated tote value is equal to or less than the accumulated credit value, operates printing means to print a franking impression on the mail item and increments the accumulated tote value stored in the tote register by an amount equal to the required postage value. In addition, Herring2 discloses a postage meter provided with a credit register and a debit register. When credit value in the credit register is insufficient for a postage charge to be applied to a mail item in a franking operation, the debit register is incremented by an amount equal to the excess of the postage charge amount over the credit value. Accordingly the postage meter is enabled to be operated even when there is insufficient credit.

Therefore, it is known at the time of applicant's invention to a person with ordinary skills in the art to modify Herring1 as taught by Herring2 and Lee and determine the payment due to enable the postage meter to be operated when there is insufficient credit, and also to keep track of postal expenses for every batch of mail.

Conclusion

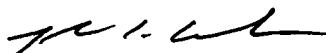
1. Dlugos, US Patent 6,098,057.
2. Sansone et al., US Patent 4,855,920

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

July 1, 2002


John G. Weiss
Supervisory Patent Examiner
Group 3600